



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re International Application of

: BOX PCT

CHEVRON U.S.A. INC.

International Application No.

PCT/US03/05987

International Filing Date

Claimed: December 18, 2002

(Applicant's ref. No. 10/043,527)

P. O. Box 6006
San Ramon, CA 94583-0806

RENEWED PETITION UNDER 37 C.F.R. §1.10(d)
TO CORRECT INTERNATIONAL FILING DATE

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Attention: PCT Legal

Dear Sirs,

Pursuant to 37 C.F.R. §1.10(d) and your Decision on Petition in this proceeding dated July 7, 2003 Applicants hereby request reconsideration of their Petition Under 37 C.F.R. §1.10(d) to Correct International Filing Date filed on 30 May 2003 ("Petition"), petitioning the Commissioner of Patents to correct the International Filing Date in this matter from February 28, 2003 to December 18, 2002. As grounds for this Renewed Petition Applicants state as follows:

1. On December 18, 2002, the Application documents in this matter were completed and prepared for filing by U.S. Postal Service "Express Mail Post Office to Addressee" by placing on the filing papers the number of the "Express Mail"

mailing label (EV 056011565 US), sealing said papers in a mailing envelope and affixing to said envelop the Express Mail label, No. EV 056011565 US.

2. The Application papers in this matter were deposited in the U.S. Postal Service Express Mail Box located at 2680 Bishop Ranch Drive, San Ramon, California on December 18, 2002 at approximately 3:15 p.m., prior to the last scheduled pick-up time on that day for said Box.
3. On or about April 15, 2003, Applicants' received from the U.S. Receiving Office a Notification of the International Application Number and of the International Filing Date (Notice) and an Invitation to Correct Priority Claim (Invitation) apprising Applicants that the filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date and inviting Applicants to correct the claimed priority date of January 10, 2002.
4. Applicants were not aware of a filing date discrepancy prior to April 15, 2003 and shortly after that time placed inquiries with the U.S. Postal Service in San Ramon, California to investigate the discrepancy.
5. On 30 May 2003, Applicants filed the Petition accompanied by the affidavit of Alexis B. Harris and correspondence from the San Ramon, California U.S. Postal Service Office dated May 28, 2003 establishing that Express Mail item No. EV 056011565 US containing the above referenced PCT Application "was not processed in a timely manner" by the U.S. Postal Service and was very likely misplaced between December 18, 2002 and February 28, 2003.
6. On 07 July 2003 the Office issued it Decision on Petition in this proceeding dismissing the Petition without prejudice upon a finding that Applicants failed to satisfy the requirements of 37 C.F.R. §1.10(d)(3) for (1) lack of a statement in the U.S. Postal Service correspondence that the Express mail item in question "was in fact deposited for mailing on 18 December 2002 prior to the last scheduled pick-up and therefore should have been accorded a "date-in" date of 18 December 2002" and (2) there was no statement by the USPS Official as to the particular evidence the Official was relying on as "proof that the Express Mail item was deposited at the allege time and date."

7. In response to the Decision on Petition and the particular grounds for dismissal set forth therein Applicants submit herewith the Affidavit of Alexis B. Harris, as originally filed and a supplemental letter from Peter Chen, U.S. Postmaster, San Ramon Post Office dated August 21, 2003 wherein Mr. Chen states:

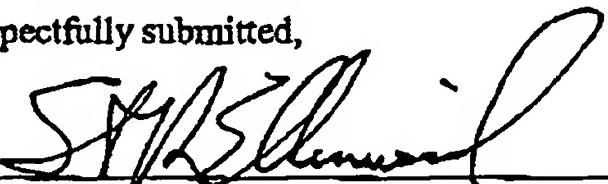
"In response, [to the Decision of Petition] after having reviewed your earlier petition and the affidavit of Alexis B. Harris submitted with that petition, as well as having personally interviewed Ms. Harris in my office and conducting an internal investigation of possible sources of error as previously explained by Ms Cundey, I believe that the Express Mail item in question was in fact deposited for mailing on 18 December 2002 in the Express Mail box located at 2680 Bishop Drive San Ramon, California prior to the last scheduled pickup for that day. . . . In making this statement I am relying upon the results of my internal investigation and the sworn statements of Alexis B. Harris set forth in her affidavit previously submitted in this matter as well as on statements Ms. Harris made to me in my personal interview with her in my office on May 16, 2003, which statements I believe are truthful.

8. The Affidavit of Alexis B. Harris, as originally filed in this proceeding and the supplemental letter from Peter Chen, U.S. Postmaster, San Ramon Post Office dated August 21, 2003 accompany this Renewed Petition and are by reference made a part hereof. These two documents fully meet the requirements of 37 C.F.R. §1.10(d)(3) and the more particular requirements of the Commissioner set forth on page two of the Decision on Petition.

In view of the above, Applicants respectfully request reconsideration of their Petition and that their international patent application, PCT/US03/05987, be accorded a filing date of December 18, 2002 and allowed the claimed priority date of January 10, 2002.

Respectfully submitted,

By


Steven R. Ellinwood (Reg. No. 48,495)
Attorney for
CHEVRON U.S.A. INC.

CHEVRONTEXACO CORPORATION
P.O. Box 6006
San Ramon, CA 94583-0806
May 10, 2003